

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of September 4, 2008 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies or credit any over-payments to Deposit Account 50-0951.

#### **Claims Rejections – 35 USC § 112**

Claims 1-2, 4-8, and 10-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, it was asserted that there is insufficient antecedent basis for the limitation "user-modified" in lines 7, 6, and 6 of Claims 1, 7, and 14 respectively.

The limitation "user-modified" in Claim 1 has been changed to "user-named" and Claims 7 and 14 have been cancelled.

#### **Claims Rejections – 35 USC § 103**

Claims 1-2, 4, 6-8, 10, 12-14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,867,162 to O'Leary, *et al.* (hereinafter O'Leary), in view of U.S. Patent 6,593,943 to MacPhail (hereinafter MacPhail), and in further view of U.S. Patent 5,726,688 to Siefert, *et al.* (hereinafter Siefert). Claims 5, 11, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Leary, MacPhail, and Siefert, and further in view of U.S. Patent 6,901,559 to Blum, *et al.* (hereinafter Blum).

Although Applicants respectfully disagree with the rejections, Applicants have slightly modified the language of Claim 1 in an effort to even more clearly define the present invention. Applicants have cancelled Claims 7-16. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the

purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### *Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method of arranging user-named variables and system-named variables in a presentation list in a callflow development graphical user interface (GUI).

The method can include receiving a system request to display variables in the presentation list, the variables including a group of user-named variables and a group of system-named variables; and sorting the group of user-named variables and the group of system-named variables according to a first attribute and then sorting the variables within each group by a second attribute. The first attribute indicates a priority of a group of variables, and the group of user-named variables has a greater priority than the group of system-named variables.

The method also can include simultaneously presenting the user-named variables and the system-named variables. The presentment of the user-named variables and the system-named variables comprises presenting the group of user-named variables in a first region of the list and the group of system-named variables in a second region of the list distinct from the first region and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format. The first region is above the second region.

See, e.g., Specification, paragraphs [0011] to [0019]; see also Figs. 1 and 2.

*The Claims Define Over The Prior Art*

As already discussed in the previous response, O'Leary discloses a method for displaying and editing a picklist in a drop-down menu of a graphical user interface (GUI) of a computer. As shown in Fig. 3 of O'Leary, the drop-down menu 300 includes a command section 304, a picklist section 308, and a remove option section 312. It is noted that the region of the command section 304 is static and non-user alterable, and thus cannot be sorted. A user is permitted to selectively remove user-specified entries from the picklist section 308 of the drop-down menu. However, it is noted that in O'Leary new entries are always added to the top of the picklist section 308. Therefore, the picklist of O'Leary also cannot be sorted in the sense of the present invention.

It is also noted that the list of previously opened files in the picklist section 308 in O'Leary is not equivalent to a list of user-named variables in the sense of the present invention because items in the list of recently opened files in O'Leary might contain files that the user named or created, but might also include system-created files that the user has viewed and saved. It was asserted on page 6 of the Office Action that the Examiner disagrees because O'Leary teaches an instance where the files are user-named (Fig. 3) and that in addition, these files are initiated by a user who determines whether to rename the file or keep the default file name but in the end are user-created files. However, it is noted that O'Leary only discloses that the files in the picklist section 308 are recently used files (see, e.g., col. 3, line 43). There is no indication that the recently used files have to be user-named or user-created. It is further noted that the entries in the picklist section 308 of O'Leary may contain both user-named files and system-named files, and there is no separation or priority between the user-named files and the system-named files. In addition, it is noted that the files in the picklist section 308 and the commands in the command section 304 are not "variables" for callflow design in the sense of the present invention.

It is additionally noted that even comparing the command section 304 and the picklist section 308 of O'Leary with the system-named variables and the user-named variables of the present invention, respectively, O'Leary does not give the same type of order priority to the picklist section 308 as is given to user-named variables in the present invention. A pertinent aspect of the present invention is that, given a list of variables, users are more likely to want to select the variables that they have named (created), which is why the present invention presents the user-named variables first. In contrast, in O'Leary, the recently opened files have lower priority than existing system menu functions, appearing after the menu functions.

It was stated in the Office Action that O'Leary does not explicitly teach sorting the variables within each group by a second attribute in distinct regions and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format, wherein the first region is above the second region. However, it was asserted that MacPhail teaches a method of arranging groups on a display wherein each group consists of a priority sequence attribute to sort the groups according to priority with one region above the other and also variables within the group may be sorted by a priority attribute (MacPhail, col. 7, lines 33-39; col. 12, lines 50-58, 65-67; col. 16, lines 23-28), and thus it would have been obvious to one of ordinary skill in the art at the time of the invention to include MacPhail's teaching with O'Leary's method in order to quickly access those variables which are deemed most important.

Although MacPhail mentions some version of the word "priority" in the cited paragraphs, it is noted that the "priority" labels are assigned by the user to the information units and thus there is no guarantee that the group of user-named variables has a greater priority than the group of system-named variables and is presented in a first region above a second region where the group of system-named variables is presented. It is also noted that MacPhail does not disclose that presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format.

As already discussed in the previous response, Siefert discloses in col. 3, lines 57-64 that certain menu options (such as CIRCLE and LINE) are emphasized using, for example, a different color and larger typeface (see also Fig. 5). However, Siefert does not disclose presenting user-named variables as a group separately and distinctively from the system-named variables as a group.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: October 13, 2008

/Gregory A. Nelson/

Gregory A. Nelson, Registration No. 30,577

Yonghong Chen, Registration No. 56,150

AKERMAN SENTERFITT

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000